IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 14418 of 2004(N)

PETITIONERS:

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1. NEYYATTINKARA KALLUCHETHU THOZHILALI CO-OPERATIVE SOCIETY LTD.(T) 663/77, PARASSALA, REP. BY ITS PRESIDENT, N.PARAMESWARAN,ALUVILA VEEDU,CHERUVARAKONAM, PARASSALA,THIRUVANANTHAPURAM.

2. N.PARAMESWARAN,PRESIDENT, NEYYATTINKARA KALLUCHETHU THOZHILALI CO-OPERATIVE SOCIETY LTD.(T) 663/77, ALUVILA VEEDU,CHERUVARAKONAM, PARASSALA,THIRUVANANTHAPURAM.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA

RESPONDENTS:

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1. SECRETARY OF KERALA, REP. BY ITS SECRETARY, DEPARTMENT OF TAXES (EXCISE), GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF EXCISE, EXCISE COMMISSIONERATE, THIRUVANANTHAPURAM.

3. THE ASSISTANT COMMISSIONER OF EXCISE, THIRUVNANTHAPURAM.

4. THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 14418/2004 N

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE BYE LAW OF THE SOCIETY.

EXT.P2. COPY OF THE NOTICE OF THE LAST GENERAL BODY OF THE SOCIETY IN WHICH NEW BOARD OF DIRECTORS WERE ELECTED, WHICH WAS HELD ON 20/02/2004.

EXT.P3. COPY OF THE CERTIFICATE DT. 3/04/03 ISSUED BY THE CI OF EXCISE, NEYYATTINKARA DETAILING THAT PETITIONERS HAVE NOT COMMITTED ANY DEFAULT TOWARDS KISTH OR ANY OTHER REVENUE/ARREARS.

EXT.P4. COPY OF THE CERTIFICATE DT. 23/4/03 BY THE ASST. S.I OF POLICE, PARASSALA POLICE STATION.

EXT.P5. COPY OF THE TAX CLERANCE CERTIFICATE A1/320-03 DT. 22/4/03 BY THE SALES TAX OFFICER, NEYYATTINKARA TO THE P2.

EXT.P6. COPY OF THE CERTIFICATE NO. T5/1472/03 DT. 1/4/03 ISSUED BY THE R3.

EXT.P7. COPY OF THE CERTIFICATE NO. B2/CC/TVM/824/194/03-04 DT. 31/3/03 ISSUED BY THE WELFARE FUND INSPECTOR UNDER THE KERALA ABKARI WORKERS WELFARE FUND BOARD, THIRUVANANTHAPURAM.

EXT.P8. COPY OF THE REPRESENTATION DT. 24/4/04 FILED BY THE PETITIONER BEFORE THE RESPONDENTS.

EXT.P9. COPY OF THE POSTAL ACKNOWLEDGEMENT EVIDENCING THE SENDING OF EXHIBIT TO RESPONDENTS.

EXT.P10. COPY OF THE POSTAL RECEIPT EVIDENCING SENDING AND RECEIPT OF THE INTERIM DIRECTION OF THIS COURT.

EXT.P11. COPY OF THE NEWS ITEM APPEARED IN THE MATHRUBHUMI DAILY DT. 29/5/2004, DETAILING THE ATTEMPT ON THE PART OF THE RESPONDENT TO AUCTION THE SHOPS ON 3/6/04.

RESPONDENT'S EXHIBITS - NIL.

True copy

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KURIAN JOSEPH, J.

W.P.(C) NO. 14418 OF 2004

Dated this the 7th day of December, 2007.

J U D G M E N T

Petitioners approached this Court aggrieved by the Abkari policy of the year 2004. In view of the intervening developments, in case the petitioners have still any grievance left, they may approach the first respondent, in which case, appropriate action in accordance with law in the matter will be taken within a period of another three months.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp